

FCC MAIL SECTION

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Before the  
Federal Communications Commission  
Washington, D.C. 20554

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In the matter of

Mandatory Electronic Filing

For International Telecommunications

Services And Other International Filings

IB Docket No. 04-226

## NOTICE OF PROPOSED RULEMAKING

Adopted: June 10, 2004

Released: June 30, 2004

Comment Date: 60 days after Federal Register publication

Reply Comment Date: 90 days after Federal Register publication

By the Commission:

## I. INTRODUCTION

1. The Commission currently gives international carriers and other applicants the option of filing many types of applications for international telecommunications services either on paper or electronically. In this Notice of Proposed Rulemaking (International E-Filing NPRM), we seek comment on eliminating paper filings and requiring applicants to file electronically all applications and other filings related to international telecommunications services via the International Bureau Filing System (IBFS).<sup>1</sup> Specifically, we propose to accept only electronically filed accounting rate changes, requests for assignment of a data network identification code, foreign carrier notifications, applications related to International Section 214 authorizations, applications related to submarine cable landing licenses, requests for recognized operating agency status, requests for assignment of an international signaling point code, and other associated filings.<sup>2</sup> This proposal would further the Commission's goals to increase the

<sup>1</sup> This NPRM does not address Satellite filings, International Broadcast filings, or International Fixed Public Radio filings. We also note that we have recently sought comment on whether to require that international traffic and revenue reports, 47 C.F.R. 43.61, and circuit status reports, 43 C.F.R. 43.42, be filed electronically. *See Reporting Requirements for U.S. Providers of International Telecommunications Services*, IB Docket No. 04-112, Notice of Proposed Rulemaking, FCC 04-70, 19 FCC Rcd 6460, paras. 76-78 (2004).

<sup>2</sup> Accounting rate changes, requests for assignment of a data network identification code, foreign carrier notifications, section 214 authorizations, submarine cable landing licenses, requests for recognized operating agency status, and requests for assignment of an international signaling point code are subsystems of the International Bureau Filing System (IBFS) and represent specific service categories.

efficiency of our application processing and to expedite the availability of the application information for public use and inspection.

## II. BACKGROUND

2. Over the years, the Commission has introduced a number of electronic filing systems that a large and growing number of applicants are using to file their applications. IBFS, introduced in 1998,<sup>3</sup> is one such system through which applicants for authorizations for satellite and most international telecommunications services may electronically file their applications. Currently, applicants for authorizations related to most international telecommunications services may file their applications either through IBFS<sup>4</sup> or on paper through the Office of the Secretary. Over the last six years, IBFS has proved itself to be a reliable and efficient method of filing applications and obtaining critical information related to satellite and international telecommunications services.

3. Because the volume and complexity of applications continue to increase, we are working to further streamline and automate IBFS to keep up with the growing workload and to meet evolving user needs.<sup>5</sup> We are also seeking to make filing through IBFS even more "user friendly." To accommodate electronic filings, we recently amended the Commission's rules to include the use of IBFS as an official method of filing applications with the Commission.<sup>6</sup> In our experience, filing applications electronically enhances the Commission's ability to efficiently and quickly process applications, protect filing data, and provide direct public access to filing information and documents. To stimulate the electronic filing of applications and other pleadings, the Commission has, in a number of areas, adopted requirements for mandatory electronic filing.<sup>7</sup>

<sup>3</sup> See *The New International Bureau File Number Format*, Public Notice, 13 FCC Rcd 16197 (1998).

<sup>4</sup> IBFS can be accessed via <http://www.fcc.gov/ibfs>, which is the IBFS website, or via the International Bureau's homepage at <http://www.fcc.gov/ib>.

<sup>5</sup> The International Bureau recently announced the design phase for further enhancements of IBFS, along with scheduled meetings with members of the industry who wish to participate in the process of redesigning various components of IBFS. *International Bureau Launches Design Phase of Enhancements to Its Electronic Filing System*, IBFS, Public Notice, DA 03-3655, rel. Nov. 14, 2003 and *International Bureau Hosts Design Sessions for the New, Enhanced Filing System, MYIBFS*, Public Notice, 18 FCC Rcd 25055 (2003). The International Bureau's new, enhanced filing system will be known as MyIBFS, and it will ultimately replace the existing IBFS. The MyIBFS webpage is located at <http://www.fcc.gov/ib>.

<sup>6</sup> See *International Bureau Filing System (IBFS)*, Order, 19 FCC Rcd 4575 (2004).

<sup>7</sup> The Commission has adopted mandatory electronic filing requirements in several other contexts. See *Wireline Competition Bureau Initiates Electronic Filing of Automated Reporting Management Information System (ARMIS) Data and Associated Documents by Incumbent Local Exchange Carriers*, Public Notice, 18 FCC Rcd 3245 (Wireline Comp. Bur., 2003); *In the Matter of Amendment of the Commission's Space Station Licensing Rules and Policies and 2000 Biennial Regulatory Review (Part 25)*, IB Docket Nos. 02-34 and 00-248, Third Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 13486 (2003), para. 64 (adopting mandatory electronic filing for routine C- and Ku-band earth station applications), para. 66 (adopting mandatory electronic filing for space station applications); and Fourth Report and Order, 19 FCC Rcd 7419 (2004) (adopting mandatory electronic filing for all satellite and earth station filings). *In the Matter of Amendment of Part 5 of the Commission's Rules to Require Electronic Filing of Applications for Experimental Radio Licenses and Authorizations*, Order, 18 FCC Rcd 16966 (2003); *Amendment of the Commission's Rules for Implementation of its Cable Operations and Licensing System (COALS) to Allow for Electronic Filing*, CS Docket No. 00-78, Report and Order, 19 FCC Rcd 5162 (2003); *Wireless Telecommunications Bureau (WTB) Extends Mandatory Electronic Filing Date*, Public Notice, 15 FCC Rcd 15692 (WTB, 2000); *1998 Biennial Review – Streamlining of Mass Media Applications, Rules and*

(continued....)

We now consider whether to require electronic filing of all international applications and international reports.

### III. DISCUSSION

#### A. Benefits of Electronic Filing

4. Requiring electronic filing of international telecommunications applications and reports will provide a number of benefits to applicants, Commission staff, and the public generally. Electronic filing allows applicants and other parties to make filings more rapidly and more efficiently than the paper filing option. Electronic filing also eliminates the delays associated with manual processing.<sup>8</sup> Electronically filed information is immediately available to Commission staff and members of the public without the current need for staff to scan or otherwise convert paper filings into computerized form. In addition, the edit checks and validation features of electronic filing simplifies the filing process for applicants by automatically notifying them of any critical errors or omissions in their filings. We believe that the fact that a large number of applicants currently file electronically demonstrates that users have confidence in the ease and reliability of the IBFS.

5. Additionally, electronic filing through IBFS makes applications almost immediately available to interested parties and the general public over the Internet. As IBFS enhancements are deployed, parties could also file petitions to deny or comments on applications. We believe that electronic filing broadens the availability of application information for public use and inspection and thereby expands and improves information provided to the Commission in making its decisions.

6. Since 2001, the Commission has experienced periodic disruptions of regular mail delivery and the processing of deliveries due to the threat of contamination.<sup>9</sup> These disruptions caused delays upwards of fourteen days in processing of applicants' mailed filings. We believe that adoption of the proposals contained in this International E-Filing NPRM will eliminate most, if not all, of the problems associated with the mailing of manual international filings.

7. In addition, we believe there are benefits to having only one submission method for international filings. The current dual filing methods hinder efficiencies that would otherwise be gained from implementation of 100 percent electronic filing, because Commission staff must enter the data from paper filings into our electronic system. Electronic filing has proven to improve the speed and efficiency of application processing and also to expedite the availability of application information for public use and inspection.

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*Processes*, MM Docket No. 98-43, 13 FCC Rcd 23056, 23060 para. 8 (1998); and *Electronic Tariff Filing System (ETFS)*, Order, 13 FCC Rcd 12335 (Com. Car. Bur., 1998).

<sup>8</sup> It is estimated that the additional processing time for a manual filing could be ten to fourteen days. This estimate is based on the delays associated with the mail service and the manual entry of the data into IBFS. Filings that require fee payments can be expedited as well because IBFS permits users to pay their fees electronically by credit card.

<sup>9</sup> See *Implementation of Interim Electronic Filing Procedures for Certain Commission Filings*, Order, 16 FCC Rcd 21483 (2001). Also, *FCC Announces a New Filing Location for Paper Documents and A New Fax Number For General Correspondence*, Public Notice, 16 FCC Rcd 22165 (2001).

8. We believe that requiring electronic filing of international telecommunication applications would not impose undue burdens on applicants. Given the falling costs of computer and modem equipment, and the increasing access to the Internet, we believe that mandatory electronic filing will not constitute an undue expense for carriers. As evidence of this, a significant number of applications for international telecommunications services are now being filed electronically. In 2003, approximately 90 percent of applicants seeking streamlined section 214 international authorizations filed electronically.<sup>10</sup> Sixty percent of applicants seeking a submarine cable landing license filed electronically.<sup>11</sup> In addition, many other filings have been submitted electronically. Over 60 percent of carriers notifying the Commission of their foreign carrier affiliation filed electronically.<sup>12</sup> All of the international accounting rate modifications, requests for assignment of data network identification codes, recognized operating agency filings, and international signaling point code filings are now filed electronically.<sup>13</sup>

9. For the reasons shown above, we tentatively conclude that requiring electronic filing would be beneficial to users, without imposing any undue burdens. We also tentatively conclude that requiring electronic filing would reduce processing burdens for Commission staff, with the result that services to consumers would be delivered more quickly. We seek comment on these tentative conclusions and our proposal to mandate electronic filing for all international filings.<sup>14</sup>

## B. Types of Filings

10. There are a variety of applications and reports that applicants and authorized carriers must file with the Commission in connection with international telecommunications services. In the attached Appendices A and B, we list the various filings for which we propose to require electronic filing, along with a brief description of each such filing. We note, however, that IBFS currently does not permit electronic filing for all those international telecommunications service applications and reports. As a practical matter, we cannot require mandatory electronic filing for any type of service until an IBFS electronic filing form is available. The international telecommunications filings that applicants can currently file electronically are identified in Appendix A. Appendix B identifies those international filings for which electronic forms are not currently available. Should the mandatory electronic filing proposals in this item be adopted, the Commission would need to develop electronic forms for these filings.

11. We also seek comments on making mandatory the electronic filing of other associated items listed on Appendix B, but not discussed above, *e.g.*, notifications of the consummation of assignments and transfers of control of authorizations, notifications of *pro forma* assignments and transfers of control of authorizations, etc.

12. In addition, we propose to create an Internet filing form that would allow

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<sup>10</sup> Derived from information contained in the International Bureau Filing System database.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> The proposed rules are attached at Appendix C.

interested persons to file electronically petitions to deny or comments in response to international filings. The petitioner or commenter would supply identifying information such as the file number, the descriptive information about the petition, and any attachments (in an appropriate graphical format) to the electronic copy of the petition. The IBFS database would then automatically be updated with this information. This requirement is consistent with revisions made to Part 25 rules that made mandatory the electronic filing of petitions and comments related to satellite filings.<sup>15</sup>

13. Under Commission rules, certain carriers are required to file reports with the Commission.<sup>16</sup> We believe that electronic filing of those reports would yield the same benefits that we have found for the electronic filing of applications. We request comment on whether we should move toward the mandatory electronic filing of reports as well. We note, however, that IBFS does not now provide for the filing of these reports and that if the above proposal is adopted, then the Commission would need to develop the capability to file these reports electronically. The carrier would supply identifying information such as the file number, the required data, descriptive information, and any attachments (in an appropriate graphic format) to the electronic copy of the report, and would certify that the information is correct. The IBFS database would be automatically updated with this information.

14. We seek comment on these proposals to expand electronic filing to those filings that are currently processed manually. In addition, we seek comment on any other areas where we could automate the process for international telecommunications service filings.

### C. Confidential Filings

15. The Commission generally treats applications for international telecommunications services, as well as information submitted in support of or in opposition to such applications, as non-confidential. The Commission, however, allows applicants and commenting parties to request proprietary treatment for specific filings and specific pieces of submitted information. We propose to continue our policy of generally making filings available to the public once the filing is placed on public notice.

16. Applicants or commenting parties that seek to keep a filing confidential or to preserve the confidentiality of a piece of information in a filing may request such treatment under section 0.459 of the Commission's rules.<sup>17</sup> That rule requires the requesting party to justify fully its request by providing enough information for the Commission to determine the need for confidential treatment.<sup>18</sup> The rule requires the party requesting confidential treatment to submit the complete filing as well as a redacted copy omitting the allegedly confidential information that the Commission will make available to the public. Should the Commission decide to grant a

<sup>15</sup> 2000 Biennial Regulatory Review—Amendment of the Commission's Space Station Licensing Rules and Policies, Fourth Report and Order, 19 FCC Rcd 7419 (2004).

<sup>16</sup> The Commission recently initiated a proceeding that seeks comment on whether to require that carriers submit their traffic and revenue data and circuit-status data electronically. See *Reporting Requirements for U.S. Providers of International Telecommunications Services, Amendment of Part 43 of the Commission's Rules*, IB Docket No. 04-112, Notice of Proposed Rulemaking, FCC 04-70, 19 FCC Rcd 6460, paras. 76-78 (2004).

<sup>17</sup> 47 C.F.R. § 0.459 (2003).

<sup>18</sup> See 47 C.F.R. § 0.459(b).

request for confidential treatment of information that does not fall within a specific exception of the Freedom of Information Act (FOIA), that Act requires the Commission to disclose the information upon an appropriate request.<sup>19</sup> The Commission may grant requests for confidential treatment either conditionally or unconditionally.<sup>20</sup> The Commission has discretion to release on public interest grounds even information that does fall within the scope of a FOIA exception.<sup>21</sup> The Commission also may allow parties to an application access to confidential information under a protective order that restricts the persons who may see the confidential information and their use of such information upon inspection. We propose to continue these policies for electronically filed applications and information.

17. We note in this context that IBFS does not currently provide for confidential filings. With prior notification, however, the International Bureau staff may allow for confidentiality of an application prior to the release of the application on public notice subject to the provisions of section 0.459. In the future, the Commission will develop the capability for IBFS to accommodate confidentially filed pleadings. We seek comment on this proposal.

#### **D. Transition Period and Waiver Requests**

18. We seek comment whether it would be necessary to implement a transition period to allow applicants and carriers to adjust to any changes to the rules. We propose to adopt a 60-day transition period from the effective date of new rules in the Federal Register to allow carriers to comply with those rules. We also propose that, after the 60-day transition period, any filings received manually will be returned to the applicant or carrier without processing. Because it is possible that electronic forms may not be developed for all international filings by the time the proposed rules become effective, we propose to require mandatory electronic filing for those applications for which an IBFS form exists and to require additional filings to be made electronically as new IBFS forms are introduced.<sup>22</sup> As each new IBFS form becomes available for electronic use, we propose to issue a public notice announcing the new electronic features. Each such public notice will announce a 60-day transition period from the date of the notice after which carriers and applicants must file electronically. We seek comment on these proposed transition periods and on implementation of new enhancements along with a phase-in period based upon the availability of electronic forms.

19. Finally, we seek comment whether we should allow an applicant to request a waiver of the proposed mandatory electronic filing requirements. There may be some potential applicants for whom electronic filing may prove to be a hardship. There may also be particular proceedings for which applicants wish to assert that the electronic filing procedure would be inappropriate. We note that we have allowed entities to request waivers of other Commission

<sup>19</sup> See 47 C.F.R. § 0.461 (2003); 5 U.S.C. § 552.

<sup>20</sup> See 47 C.F.R. § 0.461(f)(4).

<sup>21</sup> See 47 C.F.R. §§ 0.457(d)(1) and 0.457(d)(2)(i). The latter section provides that a request to see confidential information must make a "persuasive showing" as to the reasons such confidential materials should be made available.

<sup>22</sup> The International Bureau is developing a number of new electronic forms for both satellite and international telecommunications subsystems in the International Bureau Filing System (IBFS).

rules in appropriate circumstances.<sup>23</sup> We seek comment whether to adopt a waiver process for our proposed required electronic filing. Should we decide to allow a waiver of electronic filing, we note that our rules require entities requesting a waiver to “plead with particularity the facts and circumstances” warranting the grant of such a waiver.<sup>24</sup> Such a requirement would presumably apply to any request for waiver of mandatory electronic filing rules.

#### IV. CONCLUSION

20. In conclusion, we believe that the proposals contained in this item will allow applicants to make international filings more rapidly and efficiently, improve speed and efficiency of application processing and also expedite the availability of the application information for public use and inspection. Since the inception of IBFS, the International Bureau continues to incorporate features and functions recommended by its users. This International E-Filing NPRM is yet another step towards a fully electronic filing system and transforming the Commission to a fully digital agency.

#### V. PROCEDURAL MATTERS

##### A. Ex Parte Presentations

21. This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>25</sup> Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented is generally required.<sup>26</sup> Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission’s rules as well.

##### B. Initial Regulatory Flexibility Certification

22. The Regulatory Flexibility Act of 1980, as amended (RFA)<sup>27</sup> requires that a Regulatory Flexibility Act analysis be prepared for notice-and-comment rule making proceedings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.”<sup>28</sup> The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”<sup>29</sup> In addition, the term “small business” has the same meaning

<sup>23</sup> See 47 C.F.R. § 1.3 (2003).

<sup>24</sup> See *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).

<sup>25</sup> 47 C.F.R. §§ 1.1200, 1.1206; *Amendment of 47 C.F.R. § 1.1200 et seq. Concerning Ex Parte Presentations in Commission Proceedings*, GC Docket No. 95-21, Report and Order, 12 FCC Rcd 7348 (1997).

<sup>26</sup> 47 C.F.R. § 1.1206(b)(2).

<sup>27</sup> The RFA, see 5 U.S.C. §§ 601 – 602, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Publ. L. No. 104-121, Title II, 110 Stat. 857 (1996).

<sup>28</sup> 5 U.S.C. § 605(b).

<sup>29</sup> 5 U.S.C. § 601(6).

as the term “small business concern” under the Small Business Act.<sup>30</sup> A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).<sup>31</sup>

23. In this International E-Filing NPRM, the Commission seeks comment on possible changes to its rules to require mandatory electronic filing for international telecommunications services. As discussed above, the Commission has continued to make technological advancements in the area of electronic filing.<sup>32</sup> In this proceeding we have sought to further streamline the filing processes.

24. The rule changes discussed in the International E-Filing NPRM, if adopted, would require the mandatory electronic filing for applications and reports associated with international telecommunications services. The proposal in the International E-Filing NPRM seeks comment on these proposed changes. We believe that the proposals are in the public interest and would not impose undue burdens on all carriers required to file for international telecommunications services pursuant to our rules, including those carriers that are small entities. Further, any burdens caused by implementation of these proposals might be offset by the fact that services to the public would likely be expedited. Therefore, we certify that the proposals in this International E-Filing NPRM, if adopted, would not have a significant economic impact on a substantial number of entities. The Commission will send a copy of the International E-Filing NPRM, including this initial certification, to the Chief Counsel for Advocacy of the Small Business Administration.<sup>33</sup> In addition, the International E-Filing NPRM (or summary) and initial certification will be published in the Federal Register.<sup>34</sup>

### C. Initial Paperwork Reduction Act of 1995 Analysis

25. This International E-Filing NPRM contains either proposed and/or modified information collections. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this International E-Filing NPRM, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. Public and agency comments are due 60 days from date of publication of the International E-Filing NPRM in the Federal Register. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission’s burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the

<sup>30</sup> 5 U.S.C. § 601(3) (incorporating by reference the definition of “small-business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such terms which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

<sup>31</sup> 15 U.S.C. § 632.

<sup>32</sup> See *supra* at III.

<sup>33</sup> See 5 U.S.C. § 603(a).

<sup>34</sup> *Id.*



burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

#### **D. Comment Filing Procedures**

26. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before 60 days after publication of the NPRM in the Federal Register, and reply comments on or before 90 days after publication of the NPRM in the Federal Register. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Parties are strongly encouraged to file electronically. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24,121 (1998).

27. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this International E-Filing NPRM, however, commenters must transmit one copy of their comments to each docket or rulemaking number referenced in the International E-Filing NPRM. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov) and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply.

28. Parties who choose to file by paper must file an original and four copies of each filing. Each filing should also include an electronic version of the comments filed. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's mail contractor, NATEK, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

29. Comments submitted on diskette should be on a 3.5 inch diskette formatted in an IBM-compatible format using Word for Windows or compatible software. The diskette should be clearly labeled with the commenter's name, proceeding (including the docket number in the caption of this International E-Filing NPRM, type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase "Disk Copy – Not an Original." Each diskette should contain only one party's pleadings, preferably in a single electronic file.

30. All parties must file one copy of each pleading electronically or by paper to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12<sup>th</sup> Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: [FCC@bcpiweb.com](mailto:FCC@bcpiweb.com); facsimile: (202) 488-5563; phone (202) 488-5300.
- (2) James Ball, Chief, Policy Division, International Bureau, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554; e-mail: [James.Ball@fcc.gov](mailto:James.Ball@fcc.gov).
- (3) Jacki Ponti, Associate Bureau Chief, International Bureau, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554; e-mail: [Jacki.Ponti@fcc.gov](mailto:Jacki.Ponti@fcc.gov).
- (4) Alexandra Field, Assistant Division Chief, Policy Division, International Bureau, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554; e-mail: [Alexandra.Field@fcc.gov](mailto:Alexandra.Field@fcc.gov).
- (5) JoAnn Ekblad, Assistant Division Chief, Policy Division, International Bureau, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554; e-mail: [Joann.Ekblad@fcc.gov](mailto:Joann.Ekblad@fcc.gov).
- (6) John F. Copes, Attorney, Policy Division, International Bureau, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554; e-mail: [John.Copes@fcc.gov](mailto:John.Copes@fcc.gov).
- (7) Peggy Reitzel, Telecommunications Specialist, Policy Division, International Bureau, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554; e-mail: [Peggy.Reitzel@fcc.gov](mailto:Peggy.Reitzel@fcc.gov).
- (8) Rebecca Halstead, Industry Analyst, Policy Division, International Bureau, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554; e-mail: [Rebecca.Halstead@fcc.gov](mailto:Rebecca.Halstead@fcc.gov).

31. Comments and reply comments and any other filed documents in this matter may be obtained from Best Copy and Printing, Inc., in person at 445 12<sup>th</sup> Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at [FCC@bcpiweb.com](mailto:FCC@bcpiweb.com). The pleadings also will be available for public inspection and copying during regular business hours in the FCC Reference Information Center, Room CY-A257, 445 Twelfth Street, S.W., Washington, D.C. 20554 and through the Commission's Electronic Filing System (ECFS) accessible on the Commission's World Wide Website, [www.fcc.gov](http://www.fcc.gov).

32. Comments and reply comments must include a short and concise summary of the substantive arguments raised in the pleading. Comments and reply comments must also comply with section 1.49 and all other applicable sections of the Commission's rules.<sup>35</sup> All parties are encouraged to include the name of the filing party and the date of the filing on each page of their comments' length of their submission. We also strongly encourage that parties track the organization set forth in this International E-Filing NPRM in order to facilitate our internal review process.

33. Written comments by the public on the proposed and/or modified information collections are due 60 days from the date of publication of the International E-Filing NPRM in the Federal Register. Written comments must be submitted by the public, Office of Management and Budget (OMB), and other interested parties on the proposed and/or modified information collections on or before 60 days after the date of publication in the Federal Register of the

<sup>35</sup> 47 C.F.R. § 1.49.

International E-Filing NPRM. In addition to filing comments with the Secretary, Marlene H. Dortch, a copy of any comments on the information collection(s) contained herein should be submitted to Judith B. Herman, Federal Communications Commission, Room 1-C804, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554, or via the Internet to [Judith.B.Herman@fcc.gov](mailto:Judith.B.Herman@fcc.gov) and to Kristy L. LaLonde, OMB Desk Officer, Room 10236 NEOB, 725 17th Street, N.W., Washington, D.C. 20503 or via the Internet to [Kristy.L.LaLonde@omb.eop.gov](mailto:Kristy.L.LaLonde@omb.eop.gov) or via fax at 202-395-5167.

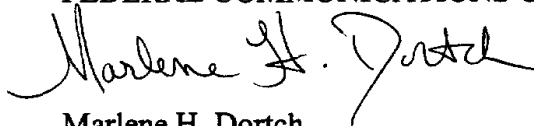
34. Commenters that file what they consider to be proprietary information may request confidential treatment pursuant to section 0.459 of the Commission's rules. Commenters should file both their original comments for which they request confidentiality and redacted comments, along with their request for confidential treatment. Commenters should not file proprietary information electronically.<sup>36</sup> Even if the Commission grants confidential treatment, information that does not fall within a specific exemption pursuant to the Freedom of Information Act (FOIA) must be publicly disclosed pursuant to an appropriate request.<sup>37</sup> We note that the Commission may grant requests for confidential treatment either conditionally or unconditionally. As such, we note that the Commission has the discretion to release on public interest grounds information that does fall within the scope of a FOIA exemption.

## VI. ORDERING CLAUSES

35. Accordingly, IT IS ORDERED that, pursuant to the authority contained in sections 1, 4(i), 4(j) 11, 201-205, 211, 214, 219, 220, 303(r), 309, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 161, 201-205, 211, 214, 219, 220, 303(r), 309 and 403, this NOTICE OF PROPOSED RULEMAKING IS HEREBY ADOPTED and COMMENTS ARE REQUESTED as described above.

36. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this NOTICE OF PROPOSED RULEMAKING, including the Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION



Marlene H. Dortch  
Secretary

<sup>36</sup> See *Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, Report and Order, 13 FCC Rcd 24816 (1998), Order on Reconsideration, 14 FCC Rcd 20128 (1999).

<sup>37</sup> See 47 C.F.R. § 0.461; 5 U.S.C. § 552.

## APPENDIX A

ELECTRONIC FORMS  
CURRENTLY AVAILABLE

Name of Filing	IBFS Abbreviation	Brief Description	Rule Section
<b>INTERNATIONAL SECTION 214 AUTHORIZATION</b>			
International Telecommunications Certificate (ITC) -- Authorization Application	ITC-214	Application for authorization to construct a new line, or acquire or operate any line, or engage in transmission over or by means of such additional line for the provision of common carrier communications services between the U.S., its territories or possessions, and a foreign point, shall request such authority by formal application.	§63.12 §63.18 §63.20
International Telecommunications Certificate (ITC) -- Special Temporary Authority	ITC-STA	Application for immediate authority for temporary service or for emergency service (Special Temporary Authority).	§63.25
<b>SUBMARINE CABLE LANDING LICENSE</b>			
Submarine Cable Landing License (SCL) -- Application	SCL-LIC	Application for authorization to land one or both ends of a cable in the territorial waters of the U.S.	§1.767
<b>ACCOUNTING RATE CHANGE</b>			
International Accounting Rate Change (ARC)	ARC-MOD	Request to initiate or modify an accounting rate arrangement with a foreign carrier that possesses market power, except for service on U.S. international routes that are exempt from the international settlements policy.	§64.1001
<b>DATA NETWORK IDENTIFICATION CODE</b>			
Request for Assignment of Data Network Identification Code (DNC)	DNC-NEW	Request by any public network that wishes to operate on an X.25 packet switch protocol and which interconnects with another data network through an X.70 interface, as detailed in the rules.	R&O in Docket 83-1230 104 FCC 2d 208, 262-7, paras. 70-77 (1986), <i>recon. grtd in part</i> , 2 FCC Rcd 7375, 7378-80 paras. 26-

Name of Filing	IBFS Abbreviation	Brief Description	Rule Section
			34 (1987)
FOREIGN CARRIER NOTIFICATION			
Foreign Carrier Affiliation Notification (FCN)	FCN-NEW	Notification by an authorized international section 214 and submarine cable landing license holders either prior to or after the consummation of an investment resulting in a foreign carrier affiliation, as detailed in the rules.	§63.11 §1.768
RECOGNIZED OPERATING AGENCY STATUS			
Recognized Operating Agency Filings (ROA)	ROA-NEW	Mandatory filing for any individual or corporation, other than a government establishment, that seeks recognition to operate an international public correspondence or radio service capable of causing harmful interference and upon which are imposed obligations provided for in Article 44 of the International Telecommunications Convention.	International Telecommunications Convention §63.701 R&O in Docket 83-1230 104 FCC 2d 208, 245-53, paras. 55-61 (1986), <i>recon grtd</i> <i>in part</i> , 2 FCC Rcd 7375 (1987)
INTERNATIONAL SIGNALING POINT CODE			
International Signaling Point Code Filings (SPC)	SPC-NEW	Request for assignment of International Signaling Point Codes (ISPCs) for Signaling System No. 7.	ITU-T Recommendation Q.708

## APPENDIX B

ELECTRONIC FORMS  
REQUIRING DEVELOPMENT

Name of Filing	IBFS Abbreviation	Brief Description	Rule Section
<b>INTERNATIONAL SECTION 214 AUTHORIZATION</b>			
International Telecommunications Certificate (ITC) -- Amendment	ITC-AMD	Amendment of an application to correct information required for the processing of the original application.	§63.50 §1.65
International Telecommunications Certificate (ITC) -- Assignment	ITC-ASG	Application for assignment of an authorization, or a portion of it, from one entity to another. Following an assignment, the authorization will usually be held by an entity other than the one to which it was originally granted.	§63.24(b)
International Telecommunications Certificate (ITC) -- BOC Notification	ITC-BOC	Notification filed by a Bell Operating Company (BOC) (or a BOC affiliate) that it has begun providing interLATA service in that state for which they have received conditional approval.	R&O in IB Docket 00-231, 17 FCC Rcd 11416, para. 45 (2002) §271.
International Telecommunications Certificate (ITC) -- Modification	ITC-MOD	Modification to an authorization of updated information required to maintain accuracy of the certifications made in the original application.	§63.21(a)
International Telecommunications Certificate (ITC) -- Transfer of Control	ITC-T/C	Application to transfer control of an authorization. Following the transfer of control, the authorization remains held by the same entity, but there is a change in the entity or entities that control the authorization holder.	§63.24(c)
International Telecommunications Certificate (ITC) -- Other Filings	TBD	Notification of miscellaneous items such as notification of wholly-owned subsidiaries, name change, notification of consummation of transfers	§63.21(h) §63.21(i) §63.24(e)(4)

Name of Filing	IBFS Abbreviation	Brief Description	Rule Section
		of control and assignments.	
<b>SUBMARINE CABLE LANDING LICENSE</b>			
Submarine Cable Landing License (SCL) – Amendment	SCL-AMD	Amendment of an application to correct information required for the processing of the original application.	§1.767(a), §1.65
Submarine Cable Landing License (SCL) -- Assignment	SCL-ASG	Application to assign a license, or a portion of it, from one entity to another. Following an assignment, the license will usually be held by an entity other than the one to which it was originally granted.	§1.767(a)(11)
Submarine Cable Landing License (SCL) -- Landing Point Notification	SCL-LPN	Notification of specific description of the landing stations in the U.S. and the foreign countries where the cable will land.	§1.767(a)(5) §1.767(g)(8)
Submarine Cable Landing License (SCL) – Modification	SCL-MOD	Modification application requesting authority to modify the terms or conditions of a license, such as adding a new licensee or relinquishing an interest in a license; also may be used to update information required to maintain accuracy of the certifications made in the original application.	§1.767(e), §1.767(m)
Submarine Cable Landing License (SCL) -- Special Temporary Authority	SCL-STA	Application requesting immediate authority for temporary service or for emergency service (Special Temporary Authority.)	§1.767(a)
Submarine Cable Landing License (SCL) -- Transfer of Control of License	SCL-T/C	Application to transfer control of a license. Following the transfer of control, the license remains held by the same entity(ies), but there is a change in the entity or entities that control a license holder.	§1.767(a)(11)
Submarine Cable Landing License (SCL) -- Other Filings	TBD	Notification of miscellaneous items such as name changes, notification of consummation of transfers of control and	§1.767(a)(11)(iii)

Name of Filing	IBFS Abbreviation	Brief Description	Rule Section
		assignments.	
Submarine Cable Landing License (SCL) -- Notification of Operation	TBD	Notification of the commencement of service and/or termination of service.	§1.767(g)(14)
<b>ACCOUNTING RATE CHANGE</b>			
International Accounting Rate Changes (ARC) -- Waiver	ARC-WAV	Request to waive the Commission's International Settlement Policy.	§64.1002
International Accounting Rate Changes (ARC) -- Other Filings	TBD	Notification of miscellaneous items.	
<b>FOR OTHER FILINGS RELATED TO INT'L TELECOMMUNICATIONS SERVICES</b>			
International Special Projects (ISP) -- Petition for Declaratory Ruling	ISP-PDR	Miscellaneous requests for Commission action, including by common carrier radio and aeronautical radio applicants and licensees to request authority before accepting indirect foreign ownership in excess of the 25% benchmark of Section 310(b)(4) of the Communications Act of 1934, as amended; and by international common carriers to request a change in regulatory status from dominant to non-dominant for a particular route.	See e.g., 47 U.S.C. § 310(b)(4); 47 C.F.R. §1.2 47 C.F.R. §63.13
International Special Project (ISP) -- Amendments	ISP-AMD	Amendment of an ISP-PDR to correct information required for the processing of the original Petition for Declaratory Ruling.	See e.g., 47 U.S.C. § 310(b)(4); 47 C.F.R. §1.2 47 C.F.R. §63.13.
International Special Project ISP -- Other Filings	TBD	Request to waive the Commission's rules for international common carriers (other than waiver of the international settlements policy).	§1.3
<b>DATA NETWORK IDENTIFICATION CODE</b>			
Data Network Identification Codes (DNC) -- Other	TBD	Notification of miscellaneous items.	



Name of Filing	IBFS Abbreviation	Brief Description	Rule Section
<b>Filings</b>			
Data Network Identification Codes (DNC) -- Code Re-Assignment	TBD	Request for reassignment of the DNC when one company acquires the packet-switched operations of another company, or when a company reorganizes.	R&O in Docket 83-1230 104 FCC 2d 208, 7378-80 paras, 70-77 (1986), <i>recon. grtd in part</i> , 2 FCC Rcd 7375 (1987)
Data Network Identification Codes (DNC) -- Code Surrender	TBD	Request to surrender its DNC code for reassignment when a company operating a packet-switched network ceases operations.	R&O in Docket 83-1230 104 FCC 2d 208 (1986), <i>recon. grtd in part</i> , 2 FCC Rcd 7375 (1987)
<b>FOREIGN CARRIER NOTIFICATION</b>			
Foreign Carrier Affiliation Notification -- (FCN) Other Filings	TBD	Notification of miscellaneous items.	§63.11 §1.768
<b>RECOGNIZED OPERATING AGENCY STATUS</b>			
Recognized Operating Agency (ROA) -- Other Filings	TBD	Notification of miscellaneous items.	International Telecommunications Convention §63.701 R&O in Docket 83-1230 104 FCC 2d 208, 245-53, paras. 55-61 (1986), <i>recon grtd in part</i> , 2 FCC Rcd 7375 (1987)
<b>INTERNATIONAL SIGNALING POINT CODE</b>			
International Signaling Point Code (SPC) -- Other Filings	TBD	Notification of miscellaneous items.	ITU-T Recommendation Q.708
International Signaling Point Code (SPC) -- Notification of Signaling Point Code Implementation	TBD	Notification of the date your SPC was implemented. A Code assignment that has not been implemented within a 12 month period must be returned to this Administrator for reassignment pursuant to the guidelines.	ITU-T Recommendation Q.708
International Signaling Point Code	TBD	Notification that you no longer require your SPC and	ITU-T Recommendation

<b>Name of Filing</b>	<b>IBFS Abbreviation</b>	<b>Brief Description</b>	<b>Rule Section</b>
(SPC) -- Inactivation of Signaling Point Codes		that you are returning it to the Administrator for reassignment.	Q.708

**APPENDIX C**  
**PROPOSED RULES**

Parts 1, 63, and 64 of the Commission's rules are amended as follows:

**PART 1 – PRACTICE AND PROCEDURE**

1. The authority citation for part 1 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 225, 303(r), 309 and 325(e).

2. Section 1.767(a) is amended by revising paragraph (a) to read as follows:

**§ 1.767 Cable landing licenses.**

(a) Applications for cable landing licenses under 47 U.S.C. 34-39 and Executive Order No. 10530, dated May 10, 1954, should be filed in accordance with the provisions of that Executive Order. Applications must be filed electronically through the International Bureau Filing System (IBFS). For information on IBFS filing procedures, see generally part 1, subpart Y, particularly §1.10009, and the IBFS homepage at [www.fcc.gov/ibfs](http://www.fcc.gov/ibfs). These applications should contain the information below:

(1) \* \* \*

\* \* \* \* \*

3. Section 1.10000 is amended by adding a new paragraph (f) and redesignating paragraphs (f) and (g) as (g) and (h), to read as follows:

**§ 1.10000 What is the purpose of these rules?**

\* \* \* \* \*

(f) These rules require electronic filing for all international section 214 authority, submarine cable landing licenses, other applications for international telecommunications services, and associated filings for which electronic forms are available through IBFS.

\* \* \* \* \*

4. Section 1.9006 is amended to read as follows:

**§ 1.10006 Is electronic filing mandatory?**

\* \* \* \* \*

Electronic filing through the International Bureau Filing System (IBFS) is mandatory for (a) satellite license applications other than DBS and DARS applications, (b) applications for earth stations to access a non-U.S. satellite not currently authorized to provide the proposed service in the proposed frequencies in the United States, (c) routine earth station applications, (d) international accounting rate change filings, (e) applications related to submarine cable landing license applications, (f) requests for assignment of data network identification codes, (g) foreign carrier affiliation notification filings, (h) applications related to international section 214 applications, (i) international signaling point code filings, and (j) recognized operating agency

filings. Except for these applications, electronic filing is voluntary at this time. However, we encourage you to use IBFS to increase time-savings and efficiencies.

\* \* \* \* \*

**PART 63 – EXTENSION OF LINES, NEW LINES AND DISCONTINUANCE, REDUCTION, OUTAGE AND IMPAIRMENT OF SERVICE BY COMMON CARRIERS: AND GRANTS OF RECOGNIZED PRIVATE OPERATING AGENCY STATUS**

Authority: Sections 1, 4(i), 4(j), 10, 11, 201, 205, 214, 218, 403 and 651 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 160, 201, 205, 214, 218, 403, and 571, unless otherwise noted.

5. Section 63.11 is amended by revising paragraph (g) to read as follows:

**§ 63.11 Notification by and prior approval for U.S. international carriers that are or propose to become affiliated with a foreign carrier.**

\* \* \* \* \*

(g) You must submit your notification electronically through the International Bureau Filing System (IBFS). For additional information on IBFS filing procedures, refer to the rules in part 1, subpart Y, of this chapter and the IBFS homepage at [www.fcc.gov/ibfs](http://www.fcc.gov/ibfs).

\* \* \* \* \*

6. Section 63.18 is amended by revising the introductory paragraph to read as follows

**§63.18 Contents of applications for international common carriers.**

Except as otherwise provided in this part, any party seeking authority pursuant to Section 214 of the Communications Act of 1934, as amended, to construct a new line, or acquire or operate any line, or engage in transmission over or by means of such additional line for the provision of common carrier communications services between the United States, its territories or possessions, and a foreign point shall request such authority by formal application. The application shall be filed electronically through the International Bureau Filing System (IBFS). For information on IBFS filing procedures, see generally part 1, subpart Y, particularly §1.10009, and the IBFS homepage at [www.fcc.gov/ibfs](http://www.fcc.gov/ibfs). The application shall be accompanied by a statement showing how the grant of the application will serve the public interest, convenience, and necessity. Such statement shall consist of the following information, as applicable:

\* \* \* \* \*

7. Section 63.20 is amended by revising the title and paragraph (a) to read as follows:

**§ 63.20 Fees and filing periods for international service providers.**

(a) Each application shall be accompanied by the fee prescribed in subpart G of part 1 of this chapter.

\* \* \* \* \*

8. Section 63.21 is amended by revising paragraphs (a), (h) and (i) to read as follows:

**§ 63.21 Conditions applicable to all international Section 214 authorizations.**

\* \* \* \* \*

(a) Each carrier is responsible for the continuing accuracy of the certifications made in its application. Whenever the substance of any such certification is no longer accurate, the carrier shall as promptly as possible and, in any event, within thirty days, electronically file with the Commission through the International Bureau Filing System (IBFS) a corrected certification referencing the FCC file number under which the original certification was provided. The information may be used by the Commission to determine whether a change in regulatory status may be warranted under § 63.10. See also § 63.11.

(b) \* \* \*

\* \* \* \* \*

(h) Subject to the requirement of § 63.10 that a carrier regulated as dominant along a route must provide service as an entity that is separate from its foreign carrier affiliate, and subject to any other structural-separation requirement in Commission regulations, an authorized carrier may provide service through any wholly owned direct or indirect subsidiaries. The carrier shall, within 30 days after the subsidiary begins providing service, electronically file a notification with the Commission through IBFS referencing the authorized carrier's name and the FCC file numbers under which the carrier's authorizations were granted and identifying the subsidiary's name and place of legal organization. This provision shall not be construed to authorize the provision of service by any entity barred by statute or regulation from itself holding an authorization or providing service.

(i) An authorized carrier, or a subsidiary operating pursuant to paragraph (h) of this section, that changes its name (including the name under which it is doing business) shall electronically notify the Commission within 30 days of the name change. Such notification shall reference the FCC file numbers under which the carrier's authorizations were granted.

\* \* \* \* \*

9. Section 63.24 is amended by revising paragraphs (e)(4) and (f)(2) to read as follows:

**§ 63.24 Assignments and transfers of control.**

\* \* \* \* \*

(e) \* \* \*

(1) \* \* \*

(2) \* \* \*

(3) \* \* \*

(4) An assignee or transferee shall electronically notify the Commission through the International Bureau Filing System (IBFS) no later than 30 days after either consummation of the proposed assignment or transfer of control, or a decision not to consummate the proposed assignment or transfer of control. The notification shall identify the file numbers under which the initial authorization and the authorization of the assignment or transfer of control were granted.

\* \* \* \* \*

(f) \* \* \*

(i) \* \* \*

(2) A pro forma assignee or a carrier that is subject to a pro forma transfer of control shall electronically notify the Commission of such pro forma transfer through the International Filing System (IBFS) no later than 30 days after the assignment or transfer is completed. The notification must contain the following:

(i) \* \* \*

(ii) \* \* \*

(3) \* \* \*  
(4) \* \* \*  
\* \* \* \* \*

10. Section 63.25 is amended by revising paragraphs (b) and (d)(2) to read as follows:

**§ 63.25 Special provisions relating to temporary or emergency service by international carriers.**

\* \* \* \* \*

(b) Requests for immediate authority for temporary service or for emergency service are required to be filed electronically through the International Bureau Filing System (IBFS) setting forth why such immediate authority is required, the nature of the emergency, the type of facilities proposed to be used, the route kilometers thereof, the terminal communities to be served, and airline kilometers between such communities; how these points are currently being served by the applicant or other carriers, the need for the proposed service, the cost involved including any rentals, the date on which the service is to begin, and where known, the date or approximate date on which the service is to terminate. For information on IBFS filing procedures, see generally part 1, subpart Y, particularly §1.10009, and the IBFS homepage at [www.fcc.gov/ibfs](http://www.fcc.gov/ibfs).

(c) \* \* \*

(d) \* \* \*

(1) \* \* \*

(2) Such request is required to be filed electronically through the International Bureau Filing System (IBFS) making reference to this paragraph and setting forth the points between which applicant desires to operate facilities of other carriers and the nature of the traffic to be handled. For information on IBFS filing procedures, see generally part 1, subpart Y, particularly §1.10009, and the IBFS homepage at [www.fcc.gov/ibfs](http://www.fcc.gov/ibfs).

\* \* \* \* \*

11. Section 63.50 is amended to read as follows:

**§ 63.50 Amendment of applications.**

Any application may be amended as a matter of right prior to the date of any final action taken by the Commission or designation for hearing. Amendments to applications shall be filed electronically through the International Bureau Filing System (IBFS). For information on IBFS filing procedures, see generally part 1, subpart Y, particularly §1.10009, and the IBFS homepage at [www.fcc.gov/ibfs](http://www.fcc.gov/ibfs). If a petition to deny or other formal objections have been filed to the application, the amendment shall be served on the parties.

\* \* \* \* \*

12. Section 63.51(c) is amended to read as follows:

**§ 63.51 Additional Information.**

(c) You must submit electronically through the International Bureau Filing System (IBFS) any additional information which the Commission may require.

\* \* \* \* \*

13. Section 63.53 is amended to read as follows:

**§ 63.53 Form.**

Applications for international service under Section 214 of the Communications Act must be filed electronically on the Internet through the International Bureau Filing System (IBFS). You are not required to send the original or any copies with your fee payment. For information on filing your application through IBFS, see part 1, subpart Y of this Chapter, and the IBFS homepage at [www.fcc.gov/ibfs](http://www.fcc.gov/ibfs).

\* \* \* \* \*

14. Section 63.701 is amended by revising the introductory paragraph to read as follows:

**§ 63.701 Contents of Application.**

Except as otherwise provided in this part, any party requesting designation as a recognized operating agency within the meaning of the International Telecommunication Convention shall request such designation. Such designation is required to be filed electronically through the International Bureau Filing System (IBFS). For information on IBFS filing procedures, see generally part 1, subpart Y, particularly §1.10009, and the IBFS homepage at [www.fcc.gov/ibfs](http://www.fcc.gov/ibfs). A request for designation as a recognized operating agency within the meaning of the International Telecommunication Convention shall include a statement of the nature of the services to be provided and a statement that the applicant is aware that it is obligated under Article 6 of the ITU Constitution to obey the mandatory provisions thereof, and all regulations promulgated thereunder, and a pledge that it will engage in no conduct or operations that contravene such mandatory provisions and that it will otherwise obey the Convention and regulations in all respects. The applicant must also include a statement that it is aware that failure to comply will result in an order from the Federal Communications Commission to cease and desist from future violations of an ITU regulation and may result in revocation of its recognized private operating agency status by the United States Department of State. Such statement must include the following information where applicable:

\* \* \* \* \*

**PART 64 – MISCELLANEOUS RULES RELATING TO COMMON CARRIERS.**

Authority: 47 U.S.C. 154, 254(k); secs. 403(b)(2)(B), (c), Public Law 104–104, 110 Stat. 56. Interpret or apply 47 U.S.C. 201, 218, 225, 226, 228, and 254(k) unless otherwise noted.

15. Section 64.1001 is amended by revising paragraph (b) to read as follows:

**§ 64.1001 Requests to modify international settlement arrangements.**

(b) The procedures set forth in this rule apply to carriers that are required to file with the International Bureau, pursuant to § 43.51(e) of this chapter, requests to modify international settlement arrangements. Any operating agreement or amendment for which a modification request is required to be filed cannot become effective until the modification request has been granted under paragraph (e) of this section. You are required to file a modification electronically through the International Bureau Filing System (IBFS). For information on filing your notification through IBFS, see part 1, subpart Y, and the IBFS homepage at [www.fcc.gov/ibfs](http://www.fcc.gov/ibfs).

(b) \*\*\*  
\* \* \* \* \*

16. Section 64.1002 is amended by revising paragraph (c) to read as follows:

[NOTE: § 64.1002 was adopted in *International Settlements Policy Reform; International Settlement Rates*, IB Docket Nos. 02-324 and 96-21, First Report and order, FCC 04-53 (rel. March 30, 2004). The rule section contains information collections, and the Commission is awaiting approval of the information collections by the Office of Management and Budget.]

**§ 64.1002 International settlements policy.**

\* \* \* \* \*

(c) A carrier that seeks to add a U.S. international route to the list of routes that are exempt from the international settlements policy shall make its request in writing to the International Bureau, accompanied by a showing that a U.S. carrier has entered into a benchmark-compliant settlement rate agreement with a foreign carrier that possesses market power in the country at the foreign end of the U.S. international route that is the subject of the request. The required showing shall consist of an effective accounting rate modification, filed pursuant to § 64.1001 of this part, that includes a settlement rate that is at or below the Commission's benchmark settlement rate adopted for that country in IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19,806, 62 FR 45758, Aug. 29, 1997, available on the International Bureau's World Wide Web site at <http://www.fcc.gov/ib>. The request is required to be filed electronically through the International Bureau Filing System (IBFS). For information on IBFS filing procedures, see generally part 1, subpart Y, particularly §1.10009, and the IBFS homepage at [www.fcc.gov/ibfs](http://www.fcc.gov/ibfs).